

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: Art M. Laisatrukli	§	CASE NO: 12-32387-H3-13
Monica K. Laisatrukli	§	
	§	CHAPTER 13
DEBTOR(S)	§	
	§	

DEBTOR'S OBJECTION TO PROOF OF CLAIM
OF CAPITAL ONE BANK (USA), N.A. BY AMERICAN INFOSOURCE LP AS
AGENT(claim no. 4)

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE YOUR RESPONSE TO THE OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 21 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 21 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

Art M. Laisatrukli and Monica K. Laisatrukli, Debtors herein, file this Objection to the claim filed by Capital One Bank (USA), N.A. by American InfoSource LP as agent (herein "Capital One") and shows the following:

1. Debtors filed a chapter 13 bankruptcy, case no. 12-32387-H3-13, on March 30, 2012.
2. Capital One filed a Proof of Claim (claim #4) in the amount of \$1,905.47 on an unsecured debt on April 30, 2012. Debtors assert that any obligation of Debtors to Capital One is barred by limitations.
3. The exhibit attached to the Capital One's Proof of Claim does not reflect how the amounts alleged due were calculated.
4. Debtors object on information and belief that:
 - a. Capital One's Proof of Claim does not contain the documents and information required under Fed.R.Bankr.P.Rule 3001. The Proof of Claim is not executed and filed in accordance with Fed.R.Bankr.P.Rule 3001 and thus fails to constitute prima facie evidence of the validity and amount of claim.

- b. Capital One's Proof of Claim does not provide sufficient information to allow Debtor to determine how the amounts alleged were calculated nor the accuracy of the amounts allegedly due.
- c. Capital One's Proof of Claim does not contain any written documents evidencing any agreement between Debtors and any creditor or any predecessor in interest to pay the amounts alleged. Debtors are unable to determine, based on the attached documentation, whether the claim is true and correct.
- d. Any obligation of Debtor to Capital One is barred by limitations. Debtor has not made any payments on this account in over four years prior to filing this bankruptcy.

WHEREFORE, Debtors respectfully requests that, after notice and a hearing, this court enter its Order that the claim of Capital One be disallowed and to grant such other and further relief, at law or in equity, to which the Debtors may be justly entitled.

Respectfully submitted,

/s/ Sheila Deason
Counsel to the Debtor(s)
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CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing was served either electronically or by U.S. First Class Mail upon the following on or before August 29, 2012:

Art M. Laisatrukli & Monica K. Laisatrukli
12527 Honor Park Dr.

Houston, TX 77065-4035

Capital One Bank (USA) N.A.
by American InfoSource LP as agent
PO Box 71083
Charlotte, NC 28272-1083

William E Heitkamp
9821 Katy Freeway
Suite 590
Houston, TX 77024

US Trustee
515 Rusk, Suite 3516
Houston, TX 77002

/s/ Sheila Deason